

### **REMARKS**

Applicants acknowledge receipt of the Office Action mailed January 5, 2010.

In the Office Action<sup>1</sup>, the Examiner objected to the title; rejected claims 1-3 and 5-7 under 35 U.S.C. § 102(b) as being anticipated by *Shimada et al.* (U.S. Patent No. 5,905,598); and rejected claims 1-7 and 10-12 under 35 U.S.C. § 102(b) as being anticipated by *Sakamoto* (U.S. Patent No. 5,432,639).

In this Amendment, Applicants amend the title and claim 1. Claims 1-38 are pending, with claims 8, 9, and 13-38 withdrawn from consideration. Of the claims under examination, claim 1 is independent.

The originally-filed specification, claims, abstract, and drawings fully support the amendments to the title and claim 1. No new matter has been introduced.

Based on the foregoing amendments, Applicants traverse the objection and rejections above and respectfully request reconsideration for at least the reasons that follow.

#### **I. OBJECTION TO THE SPECIFICATION**

The title of the invention stands objected to as allegedly not being descriptive. Applicants submit that the objection to the title has been rendered moot by the amendments to the title. Applicants therefore request that the objection to the title be withdrawn.

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<sup>1</sup> The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

## II. 35 U.S.C. § 102(b) REJECTIONS

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Shimada*. Applicants respectfully disagree with the Examiner's arguments and conclusions and submit that the claims are patentably distinguishable over *Shimada* at least for the reasons set forth below.

In order to properly establish that *Shimada* anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be disclosed, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Amended independent claim 1 recites "[a] lens position detecting device for detecting the position of a lens on a base in an optical axis direction, the base being fixedly mounted in a lens barrel body, the device comprising: a position detecting magnet mounted on either one of said lens and said base; [and] a magnetic force detecting sensor mounted on the other of said lens and said base" (emphasis added).

*Shimada* appears to disclose a zoom lens apparatus including a lens system with a zoom lens set, a focusing lens set and an iris disposed on a single optic axis, a zoom lens driving section composed of a motor, a ball screw, a lens holding member, a nut member and so forth for driving the zoom lens. (*Shimada*, Abstract). *Shimada* further discloses that an inclined magnet 57 is mounted on the lens holding member 40, while a Hall effect element 58 is mounted on an inner face of a rear half 4 of a housing 2 of the zoom lens apparatus. The inclined magnet 57 and the Hall effect element 58 cooperate

to form position detecting means for detecting a position of the focusing lens holding member 40. (*Id.* at col. 8, ll. 20-25).

*Shimada*, however, fails to teach or suggest, at least, “[a] lens position detecting device for detecting the position of a lens on a base in an optical axis direction, the base being fixedly mounted in a lens barrel body, the device comprising: a position detecting magnet mounted on either one of said lens and said base; [and] a magnetic force detecting sensor mounted on the other of said lens and said base” (emphasis added), as recited in amended independent claim 1.

The Examiner alleges that “*Shimada* discloses a lens position detecting device for detecting the position of a lens (17) on a base (2,4) in an optical axis direction, comprising: a position detecting magnet (57) mounted on said lens (see Fig. 9); [and] a magnetic force detecting sensor (58) mounted on said base.” (*Office Action*, p. 3, ll. 3-6). As discussed above, the Hall effect element 58, which the Examiner equates to the claimed “magnetic force detecting sensor,” is mounted on an inner face of a rear half 4 of a housing 2 of the zoom lens apparatus, not on a base which is fixedly mounted inside a lens barrel body. Specifically, the Hall effect element 58 is mounted directly to an inner surface of a lens barrel body without first being mounted to a base which is fixedly mounted to the inside of the lens barrel body.

The Office Action has therefore not met the essential criteria for showing anticipation, wherein “each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in...a...single reference.” See M.P.E.P. § 2131. Accordingly, independent claim 1, and claims 2, 3,

and 5-7 which depend therefrom, are patentable over *Shimada*. Applicants therefore request that the rejection of claims 1-3 and 5-7 under 35 U.S.C. § 102(b) be withdrawn.

Claims 1-7 and 10-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Sakamoto*. Applicants respectfully disagree with the Examiner's arguments and conclusions and submit that the claims are patentably distinguishable over *Sakamoto* at least for the reasons set forth below.

As discussed above, amended independent claim 1 recites "[a] lens position detecting device for detecting the position of a lens on a base in an optical axis direction, the base being fixedly mounted in a lens barrel body, the device comprising: a position detecting magnet mounted on either one of said lens and said base; [and] a magnetic force detecting sensor mounted on the other of said lens and said base" (emphasis added).

*Sakamoto* appears to disclose an apparatus for detecting an initial position of a movable lens in a lens barrel in which a lens holder retaining the lens is reciprocally movable parallel to an optical axis of the lens. The apparatus includes a magnet arrangement which has north and south polarities and is secured to either the outer periphery of the lens holder or the inner periphery of the lens barrel. A magnet flux detecting device is secured to whichever of the outer periphery of the lens holder or the inner periphery of the lens barrel to which the magnet arrangement is not secured, and is arranged such that it faces a boundary between the polarities of the magnet arrangement. The detecting device detects magnetic flux density of the magnet arrangement and outputs a voltage based on the detected magnetic flux density. The

initial position of the lens is determined when the output voltage indicates zero or approximately zero. (*Sakamoto*, Abstract).

*Sakamoto*, however, fails to teach or suggest, at least, "[a] lens position detecting device for detecting the position of a lens on a base in an optical axis direction, the base being fixedly mounted in a lens barrel body, the device comprising: a position detecting magnet mounted on either one of said lens and said base; [and] a magnetic force detecting sensor mounted on the other of said lens and said base" (emphasis added), as recited in amended independent claim 1.

The Examiner alleges that "Sakamoto discloses a lens position detecting device for detecting the position of a lens (8) on a base (2) in an optical axis direction, comprising: a position detecting magnet (11,31) mounted on either said lens; [and] a magnetic force detecting sensor (12,32,33) mounted on said base." (*Office Action*, p. 4, ll. 15-18). The Hall element 12, which the Examiner equates to the claimed "magnetic force detecting sensor," is secured to a lower inner-periphery of a housing of a lens barrel 1, not on a base which is fixedly mounted inside a lens barrel body. Specifically, the Hall element 12 is mounted directly to an inner surface of a lens barrel body without first being mounted to a base which is fixedly mounted to the inside of the lens barrel body.

The Office Action has therefore not met the essential criteria for showing anticipation, wherein "each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in...a...single reference." See M.P.E.P. § 2131. Accordingly, independent claim 1, and claims 2-7 and 10-12 which depend therefrom, are patentable over *Sakamoto*. Applicants

therefore request that the rejection of claims 1-7 and 10-12 under 35 U.S.C. § 102(b) be withdrawn.

### **III. CONCLUSION**

Applicants respectfully submit that claims 1-7 and 10-12 are in condition for allowance.

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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